

POLICY: INDIVIDUAL/GUARDIAN RESPONSIBILITIES WHILE RECEIVING WAIVER FUNDED SERVICES

POLICY STATEMENT: It is the policy of the Bureau of Developmental Disabilities (BDDS) that individuals, or their legal representative when indicated, participate actively and responsibly in the administration and management of their Medicaid waiver funded services.

DETAILED POLICY STATEMENT:

BDDS supports and encourages individual choice in the development of an Individualized Support Plan (ISP) and in the selection of service providers.

Successful service delivery is dependent upon the collaboration of the Individualized Support Team (IST) and entities with oversight responsibilities, including the Bureau of Quality Improvement Services (BQIS).

The individual receiving services is the most prominent member of the IST, making their participation and cooperation in waiver service planning and administration essential.

Information Sharing

The Individual (or the Individual's legal representative when indicated) shall upon request from BDDS, BQIS or a Division of Disability and Rehabilitative Services (DDRS) contracted vendor, provide information for the purpose of administration and/or management waiver services that may include:

1. medical information relevant to the individual receiving services that is limited to:
 - a. information necessary for application to and participation in the waiver program;
 - b. information necessary to train staff on the individual's medical status, medical needs and medical interventions;
2. financial information that is limited to that required for application to and participation in the waiver program;
3. information necessary for completion of a BQIS survey;
4. information relevant to a BDDS reportable incident;
5. information relevant to a BQIS complaint; and
6. other information as determined by BDDS, BQIS, or the Case Management vendor.

Changing Providers

1. The individual (or the individual's legal representative when indicated) shall complete all actions as requested by BDDS to secure a replacement provider within:
 - a. 60 days from the date the change is requested; or
 - b. 60 days from when the provider gives notice of terminating services to the individual.
2. If a new provider is not in place after 60 days, the current provider shall continue to provide services to an individual until BDDS determines it is no longer necessary.

Participating in Risk Plan Development and Implementation

The individual (or the individual's legal representative when indicated) shall participate in:

1. the development of risk plans for the individual, per current BDDS and/or BQIS procedures; and
2. the implementation of risk plans developed for the individual, in lieu of documented risk negotiation with the individual's Individualized Support Team, and a signed risk non-agreement document.

Allowing Representatives of the State into the Individual's Home

The individual (or the individual's legal representative when indicated) shall allow representatives from BDDS, BQIS and/or a DDRS contracted vendor into the individual's home for visits scheduled at least 72 hours prior to execute:

1. routine waiver service activities;
2. follow-up on health and safety concerns for the individual;
3. complaint investigations related to the individual or the individual's family; and
 - i) these visits may be unscheduled and do not require 72 hours prior notice.
4. other purposes as determined necessary by BDDS or BQIS.

Consequences for Non-Participation

Should an individual (or their legal representative when indicated) choose to:

1. not share information as described in this policy; and/or
2. not complete actions necessary for changing providers as described in this policy; and/or
3. not participate in risk plan development and implementation as described in this policy; and/or
4. not allow representatives of the state into the individual's home as described in this policy,

BDDS may terminate the individual's waiver services. If BDDS decides to terminate the individual's waiver services pursuant to this policy, BDDS must provide written notice of intent to terminate the individual's waiver services to the individual (or the individual's legal representative when indicated).

Appeal Option

1. Should an individual (or the individual's legal representative when indicated) wish to appeal a termination of waiver services as described in this policy, they shall follow the process outlined on the Notice of Action.

DEFINITIONS:

"BDDS" means Bureau of Developmental Disabilities Services as created under IC 12-11-1.1-1.

"Individualized Support Team" or "IST" means a team of persons, including:

1. an Individual;
2. the Individual's Legal representative, if applicable;
3. the Individual's Providers;
4. the Individual's Case Manager, if indicated;
5. a BDDS representative; and
6. other persons identified by the Individual or the Individual's Legal representative, if applicable,

who assist the Individual in the development and implementation of the Individual's ISP.

“BQIS” means Bureau of Quality Improvement Services as created under IC 12-12.5.

“DDRS” means the Division of Disability and Rehabilitative Services as established by IC 12-9-1-1.

REFERENCES:

IC 12-8-8-4

IC 12-9-2-3

IC 12-11-1.1-1

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Individual/Guardian Responsibilities

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